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PART I



GOVERNMENT OF KERALA

Local Self Government (DD) Department

NOTIFICATION

No. 22595/DD2/2009/LSGD.

Dated, Thiruvananthapuram, 12th May 2009.

The following draft of the Kerala State Employment Guarantee Council Rules, 2009 which the Government of Kerala proposes to make in exercise of the powers conferred by sub-section (1) of section 32 of the National Rural Employment Guarantee Act, 2005 (Central Act 42 of 2005) is hereby published for information of persons likely to be affected thereby. Notice is hereby given that the draft rules, will be taken up for consideration on or after thirty days from the date of publication of this notification in the Gazette and that any objections or suggestions, which may be received from any person with respect to the said draft, before the expiry of the period specified above, will be considered by the Government. The objections or suggestions, if any, shall be addressed to the Principal Secretary to Government, Local Self Government Department, Secretariat Annex, Thiruvananthapuram.

DRAFT RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State Employment Guarantee Council Rules, 2009.

(2) They shall come into force at once.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the National Rural Employment Guarantee Act, 2005 (Central Act 42 of 2005) ;

(b) “Chairperson” means the Chairperson of the State Council ;

(c) “Executive Committee” means the Executive Committee of the State Council constituted under sub-rule (1) of rule 9 ;

(d) “Member-Secretary” means the Member-Secretary of the State Council ;

(e) “Scheme” means the Scheme notified by the State Government under sub-section (1) of section 4 ;

(f) “Section” means a section of the Act ;

(g) “State Council” means the State Employment Guarantee Council Constituted under Sub-section (1) of Section 12.

(2) The words and expressions used, but not defined in these rules and defined in the Act shall have the meanings respectively assigned to them in the Act.

3. *The State Council.*—(1) Subject to the provisions of sub-rule (2), the State Council Constituted under sub-section (1) of section 12 shall consist of the following members namely:—

(a) *Official Members*

(i) Minister for Local Self Government—Chairperson—ex-officio ;

(ii) Principal Secretary to Government, Department of Local Self Government—Member—ex-officio ;

(iii) Principal Secretary to Government, Department of Finance—Member—ex-officio ;

(iv) Secretary to Government, Department of Agriculture—Member—ex-officio ;

(v) Secretary to Government, Department of Forest & Wild Life—Member—ex-officio ;

(vi) Secretary to Government, Department of Planning & Economic Affairs—Member—ex-officio ;

(vii) Secretary to Government, Department of Labour & Rehabilitation—Member—ex-officio ;

- (viii) Secretary to Government, Department of Scheduled Caste & Scheduled Tribe Development—Member—Ex-officio ;
- (ix) Commissioner for Rural Development—Member Secretary.

(b) *Non-Official Members*

Not more than fifteen non-official members nominated by the State Government from Panchayat Raj Institutions and among experts and/or practitioners in any of the following areas (i) natural resource management, forestry, water conservation, land development and rural engineering, listed for notified under Schedule I of the Act; (ii) social audit; (iii) public employment programmes; (iv) poverty; (v) gender; (vi) labour welfare; (vii) transparency and right to information; and (viii) decentralization.

(2) Not less than one-third of the total number of non-official members of the State Council shall be women and that not less than one-third of the non-official members shall belong to the Scheduled Castes, Scheduled Tribes, the Other Backward Classes and Minorities.

4. *Terms and conditions of appointment of members.*—(1) The official members shall hold their offices as long as they are serving in their respective official capacity.

(2) The term of office of the non-official members nominated under sub-section (1) of section 12 of the Act shall be for a period of one year.

(3) The non-official members nominated under sub-section (1) of section 12 of the Act shall be entitled to receive travelling allowance for attending the meetings of the State Council or the Executive Committee as the case may be, at the rates admissible to Class I officers of the State Government.

(4) The non-official members shall also be entitled to receive honorarium at the rate of five hundred rupees per day for the days of the meeting of the State Council or its Executive Committee or any other official work for which they attend to at the headquarters at Thiruvananthapuram or at any other place on invitation by the State Council.

5. *Resignation, etc. of non-official members.*—(1) Any non-official member may by writing under his hand addressed to the Chairperson resign his office at any time.

(2) The State Government may, remove from office a non-official member if he,

(i) has been adjudged as an insolvent; or

(ii) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude ; or

(iii) has become physically or mentally incapable of acting as a member ; or

(iv) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member ; or

(v) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(vi) remains absent for three consecutive meetings of the State Council without permission of the Chairperson.

(3) Any vacancy occurred in the State Council due to resignation, death, removal or otherwise of a non-official member shall be filled by nomination by State Government from the same category to which such member was representing and the person newly nominated shall hold office for the remaining period of the term of office of the non-official member in whose vacancy he is nominated.

6. *Meeting of the State Council and its quorum.*—(1) The State Council shall meet at least two times in a year or more frequently as it may consider necessary, at such place and at such time, as may be decided upon by the Chairperson:

Provided that six months shall not intervene between two consecutive meetings of the State Council.

(2) the Chairperson shall preside over at every meeting of the State Council at which he is present, and in his absence, the Principal Secretary, Department of Local Self Government shall preside over the meeting.

(3) Not less than one-third of the members shall constitute the quorum for the meetings of the State Council.

7. *Procedure of the meetings.*—(1) The Member-Secretary shall give atleast fourteen clear days notice for a meeting of the State Council, giving therein the date, time and place of the meeting.

(2) If there is no quorum for the meeting the chairperson may postpone the meeting to another date and the Chairperson and the members present at the postponed meeting shall constitute the quorum.

(3) Every question brought before any meeting of the State Council shall be decided upon by a majority of the members present and voting at the meeting before which the matter is brought and no member shall be allowed to vote by proxy.

(4) In the case an equality of votes on any resolution or question, the Chairperson shall have a casting or a second vote.

(5) The Member-Secretary shall, within thirty days of a meeting circulate the minutes of that meeting duly approved by the Chairperson.

8. *Functions of the State Council.*—(1) The State Council shall perform the duties and discharge the functions assigned to it under section 12.

(2) The State Council may, subject to such control and directions, authorise the Member-Secretary to deal with such financial and administrative matters for the day-to-day functioning.

(3) The State Council shall lay down the systems and procedures for maintenance of its accounts and other records.

(4) The Member-Secretary shall be responsible for the custody and maintenance of the minutes book and other records of the Central Council and those of the Executive Committee.

9. *Executive Committee.*—(1) The State Council shall constitute a Committee to be called the Executive Committee to assist it to discharge the duties and perform the functions assigned to it.

(2) The Executive Committee constituted under sub-rule (1) shall consist of the following, namely:—

(i) Principal Secretary, Department of Local Self Government, Chairperson ;

(ii) Principal Secretary, Department of Finance Member ;

(iii) Secretary, Department of Labour and Rehabilitation, Member and

(iv) Three non-official members of the State Council to be nominated as members by the Chairperson of the State Council.

(3) The Member-Secretary shall be the Member-Secretary of the Executive Committee.

10. *Functions of the Executive Committee.*—(1) Subject to the general superintendence and directions of the State Council, the Executive Committee shall perform the following duties and functions, namely:—

- (a) take steps to give effect to the decisions of the State Council ;
- (b) manage the administrative and financial affairs of the State Council ;
- (c) sanction expenditure in connection with the affairs of the State Council ;
- (d) appoint expert groups for technical support and advice to improve the quality of implementation of the Act ;
- (e) exercise such powers and perform such functions as may be entrusted to it by the State Council.

(2) The Executive Committee shall meet at least once in three months or more frequently, if required by the Chairperson.

11. *Funds of the State Council.*—(1) The State Council shall meet its expenses in connection with its affairs and the functions entrusted to it under the Act or these rules from the annual grants released to it by the State Government.

(2) The funds of the State Council shall be operated through a Scheduled Bank as approved by the State Council.

By order of the Governor,

S. M. VIJAYANAND,

Principal Secretary to Government (LSGD).
